



UNITED STATES DEPARTMENT OF COMMERCE

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| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 07/580,718 | 9/11/90 | Barclay | |

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| EXAMINER | |
| <i>Al. R. Davis</i> | |
| ART UNIT | PAPER NUMBER |
| 1808 | 16 |
| DATE MAILED: | |

EXAMINER INTERVIEW SUMMARY RECORD

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael Tonplins(3) Kent Menger(2) W. Barclay(4) Doug RobinsDate of interview 11/25/91Type: Telephonic Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No. If yes, brief description: _____Agreement was reached with respect to some or all of the claims in question. was not reached.Claims discussed: AllIdentification of prior art discussed: AllDescription of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed modifications

to overcome rejections under 35 USC 112. Will argue distinction of whole-microbial organisms in the product as well as the criticality of the fermentation conditions with regard to the "subject". Will submit amendments & arguments which will be considered when filed.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

Unless the paragraphs below have been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW (e.g., items 1 - 7 on the reverse side of this form). If a response to the last Office action has already been filed, then applicant is given one month from this interview date to provide a statement of the substance of the interview.

 It is not necessary for applicant to provide a separate record of the substance of the interview. Since the examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action.
Examiner's Signature